

REMARKS

On page 4 of the Office Action, the Examiner has indicated that claims 2 and 7 to 11 would be allowable if rewritten independently. In the foregoing amendment, claims 2, 7 and 10 have been rewritten as independent claims including the limitations of the base claim and any intervening claim. It is submitted that these claims should therefore be allowable, along with claims 3 to 5 which depend from allowable claim 2, claims 8 and 9 which depend from allowable claim 7, and claim 11 which depends from allowable claim 10.

On page 2 of the Office Action, the Examiner has rejected claims 1, 3 and 6 as anticipated by U.S. Patent No. 3,910,309 of Kaiser. This rejection is hereby traversed. Claim 3 depends from allowable claim 2, and includes the limitations of claim 2. This claim therefore cannot be anticipated by Kaiser. Claim 1 and amended independent claim 6 are also not anticipated by Kaiser, as discussed in more detail below.

For a reference to anticipate a claim, the reference must include each and every element or limitation of the claim. Kaiser lacks a number of the limitations of claim 1. Although Kaiser has a spindle 13 and two annular chambers 19,20 for hot and cold water with an outer housing 10A, the arrangement is otherwise completely different from that claimed in claim 1. The remainder of the housing 10 in Kaiser houses electrical service components, not annular chambers for fluid supply, as stated by Kaiser in column 2, lines 53 to 56. Referring to claim 1, Kaiser's spindle does not have a lower end wall with a plurality of ports for connection to fixed utility lines in the base of the building for fluid supply to and from the building. Instead, the water supply to the building is via conduits 16 and 17 which terminate in the cylindrical wall of housing part 10A, not to any end wall of the spindle. There is also no bore extending from such ports through the spindle to a respective annular chamber. Instead, the conduits 16 and 17 are connected directly to the respective chamber 19,20. The bore 25 mentioned by the examiner extends from the annular hot water chamber upwardly into the building, and does not extend from any port in an end wall of the spindle, nor does it extend through the spindle. The structure claimed in the third sub-paragraph of claim 1 is completely

lacking from Kaiser.

As regards the last subparagraph of claim 1, the Examiner contends that reference numbers 45,47, and 48 refer to ports which communicate with the annular chambers through the internal portion of housing 10. This statement is incorrect. Elements 45, 47 and 48 in Kaiser are not ports. In fact, they are electrical contact brushes for providing the housing 10 with multiple electrical sources, as stated in column 3, lines 58 to 62. There is also no communication between the interior of housing 10 and the two chambers 19 and 20. Such communication between a water supply and electrical supply lines would be quite catastrophic. It is therefore submitted that the Examiner's interpretation of Kaiser relative to claim 1 is incorrect, and that claim 1 is not anticipated by Kaiser. Reconsideration and reversal of the rejection of this claim based on this reference is respectfully requested.

Claim 6 depends from claim 1 and is distinguished from Kaiser for the same reasons as claim 1, and additionally since this claim defines other features not present in Kaiser. In rejecting claim 6, the Examiner states that Kaiser has two end flanges 11,13A forming an outer end wall of respective opposite end chambers and a plurality of spaced intermediate flanges 38,40 separating adjacent chambers along the length of the spindle, each intermediate flange having a pair of spaced ring seals 40. This interpretation of Kaiser is incorrect, as explained below.

First, although it could possibly be argued that the end flange 11 was an end wall of the electrical contact chamber within housing 10, the end flange 13A is simply a flanged attachment between two conduits 13 and 12, and is not the end wall of any chamber. Second, there are not at least three spaced annular flanges between the end flanges forming at least four adjacent chambers along the length of the spindle, the chambers comprising a water supply chamber, a gray water chamber, a sewer chamber, and a gas supply chamber, respectively. There are only two utility supply chambers in Kaiser, specifically the hot and cold water supply chambers 19 and 20. There is no reason suggested by the teachings of Kaiser for adding any other annular chambers. Waste fluid drain passageways from the building are already provided in

Kaiser, via axially extending rotatable waste conduit 14 which is received in the upper end of the stationary axial waste conduit 13. There is also no room for such additional chambers, since the entire housing 10 is taken up by the electrical service component chamber.

Reference numbers 38,40 in Kaiser, which the Examiner contends are annular flanges, in fact refer to a dielectric drum body 38 with a series of embedded metallic slip rings 40 (see column 3, lines 42 to 45), neither of which forms a fluid supply or drain chamber. Slip rings 40 are also not ring seals, but metallic conductors which are in circuit with electrical leads 41. Since the limitations of claim 6 are completely lacking from Kaiser, this claim is also not anticipated and reconsideration and reversal of the rejection of claim 6 is respectfully requested.

Neither claim 1 nor claim 6 is anticipated by Kaiser, since this reference lacks a number of the limitations of each of these claims. These claims are also not obvious in view of Kaiser. It is not clear how this reference could be modified to produce the structure as claimed in claim 1 or claim 6, nor is any motivation for doing so suggested by the teachings of Kaiser or any other reference. It is noted that the Examiner states, at the top of page 4, that it would have been obvious to provide a gray water chamber and a gas supply chamber in Kaiser "in order to further provide more variability to the swivel joint...". This statement is hereby traversed.

The proper test for obviousness of a claimed invention based on a single reference is as follows:

1. There must be some suggestion or motivation in the reference or the prior art as a whole for modifying the reference. 2. There must be a reasonable expectation of success. 3. The prior art reference must teach or suggest all claim limitations. (See MPEP 2143).

None of these three criteria is met in the present case. Referring to claim 1, Kaiser already has ports supplying hot and cold water directly to the annular hot and cold chambers via the cylindrical wall 10A of each chamber, and there is no motivation suggested by this reference for replacing these ports with ports in an end wall of the

spindle and a bore connecting each port to the respective chamber through the spindle. There is also no teaching or suggestion of such an arrangement. Claim 1 is therefore not obvious in view of Kaiser.

Referring to claim 6, Kaiser also does not suggest two end flanges and at least three intermediate annular flanges forming four adjacent chambers for utility fluid supply and waste fluid drainage. As noted above, waste fluid drains from the building in Kaiser via rotatable axial waste conduit 14 which is received by waste conduit 13 (see column 2, lines 62 to 68). There is no reason suggested by this reference for replacing this arrangement with an additional annular chamber and associated ports and passageways. Claim 6 is additionally unobvious for this reason.

It is therefore submitted that claims 1 and 6 are allowable over Kaiser, and reconsideration and reversal of the claim rejections based on this reference is respectfully requested.

On pages 3 to 4, the Examiner has rejected claims 4 and 5 as obvious in view of Kaiser. This rejection is not understood, since claims 4 and 5 both depend from claim 2 and intervening claim 3, and the Examiner states on page 4 that claim 2 is allowable. This means that claims 4 and 5 should also be allowable, and notice to this effect is respectfully requested. For the record, it is pointed out that the limitations of claims 4 and 5 are also completely lacking from Kaiser and not obvious in view of this reference. It is believed that the foregoing amendment and argument deals with all outstanding grounds of objection and rejection, and that claims 1 to 11 should all now be in condition

• for allowance. Early notice to this effect is earnestly solicited. If there are any outstanding objections which could be dealt with by means of a telephone interview, the Examiner is encouraged to contact the undersigned representative.

Respectfully submitted,

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